

UNITED STATES DISTRICT COURT
 for the
Western District of Texas

United States of America)
 v.)
 DAVID BAUTISTA) Case No. SA-22-MJ-00284
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Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of October 28, 2021 to December 2, 2021 and February 24, 2022 in the county of Bexar in the
Western District of Texas, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
18 U.S.C. §§ 2252A(a)(2), 2252A(a)(5)(b)	Distribution and Possession of Child Pornography
	Maximum Penalties: 2252A(a)(2): 5-20 years imprisonment, \$250,000 fine, 5 years min. to lifetime SR, \$100 SA CVRA, \$5,000 TVPA, \$35,000 SA AVAA, Sex Offender Registry, Restitution TBD-\$3,000 min. per victim identified
	2252A(a)(5)(b): 20 years imprisonment, \$250,000 fine, 5 years min. to lifetime SR, \$100 SA CVRA, \$5,000 TVPA, \$17,000 SA AVAA, Sex Offender Registry, Restitution TBD-\$3,000 min. per victim identified

This criminal complaint is based on these facts:

See attached affidavit.

Continued on the attached sheet.

JOEL F JUVETTE 
Digitally signed by JOEL F JUVETTE
Date: 2022.02.25 08:48:55 -06'00'
Complainant's signature

Joel JuVette, HSI Special Agent

Printed name and title

Sworn to before me and signed in my presence.
 Sworn to telephonically and signed electronically.

Date: February 25, 2022

City and state: San Antonio, Texas


Judge's signature
Elizabeth S. Chestney, U.S. Magistrate Judge
Printed name and title

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT

I, Joel JuVette, being first duly sworn, hereby depose and state as follows:

1. I am a Special Agent (SA) with the Department of Homeland Security Homeland Security Investigations (DHS-HSI) and have been since April 2002. I am assigned to the Office of the Special Agent in Charge, San Antonio, Texas. I have been a DHS SA for approximately twenty (20) years. I received training at the Federal Law Enforcement Training Center (FLETC), where I successfully completed the Criminal Investigator Training Program (CITP) and the Customs Basic Enforcement School (CBES), which included training in the investigation of Child Pornography cases. My specialized training and experiences as a DHS SA include, but are not limited to, criminal investigations in the areas of computer-based crimes, which include child abuse and exploitation, threats and extortion, and cyber stalking. I have participated in the execution of arrest warrants, search warrants, evidence collection, and interviewing witnesses. I am currently assigned to DHS-HSI, San Antonio, Texas, Child Exploitation Group, where I conduct investigations and have executed search and arrest warrants relating to violations of the laws of the United States as they relate to computer-related crimes. I have had the opportunity to observe and review examples of child pornography in various forms of media, including computer media.
2. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested criminal complaint and does not set forth all of my knowledge about this matter.
3. Based on my training and experience and the facts as set forth in this affidavit, there is probable cause to believe that **David BAUTISTA** has committed Distribution of Child Pornography, in violation of Title 18 U.S.C. § 2252A(a)(2), and Possession of Child Pornography, in violation of 18 § U.S.C. 2252A(a)(5)(b).

Probable Cause

4. Between October 28, 2021, and December 2, 2021, special agents with HSI-McAllen, using an undercover law enforcement computer utilizing investigative software, completed open-source downloads of 33 files containing Child Pornography from a device utilizing Peer-To-Peer (P2P) file sharing software, including the following three files.

- a. File Name: 129904191911 Onionib.jpg

Description: The image depicts a female child, approximately 8 to 10 years old, laying on a bed, on her back with her legs open. Wearing only a t-shirt, the little girl's vagina and anus are visible as she holds an elongated white object near her pelvic/pubic region.

- b. File Name: Imgsrc Ru Pthc Pedo Babyshivid Childlover Private Daughter Torpedo Ranchi Lolita - 128678096368.jpg

Description: The image depicts a nude female child, approximately 5 to 8 years old, laying on a bed, on her back with her legs open, fully revealing her vagina and anus. Even though she is looking directly into the camera, she has little to no facial expression.

c. File Name: нью (PHANT) -- guera de 7 chupando a papa.mp4

Description: The video depicts a female child, approximately 4 to 6 years old, wearing only her panties, sitting in the lap of an adult male who appears to be the videographer. The little girl places her hand on his exposed penis; which is repeatedly thrust into her mouth.

5. The device making the files available for download was the single source for the files containing Child Pornography which were distributed to the HSI-McAllen undercover law enforcement computer between October 28, 2021, and December 2, 2021. Details related to the files distributed include the internet provided (IP) address associated with the device, which is associated with internet service for subscriber, **David BAUTISTA**, at **XXXX Fredericksburg Road, Apartment 729, San Antonio, Texas, in the Western District of Texas**.

6. On February 24, 2022, federal agents with DHS-HSI executed a federal search warrant at the residence of **David BAUTISTA**, located at **XXXX Fredericksburg Road, Apartment 729, San Antonio, TX**, seizing **22 items constituting electronic media** devices, including five SD cards, six cellular telephones, seven external hard drives, two laptop computers, one Apple iPod Touch, and one computer tablet.

7. Your Affiant conducted a preview of an **HP laptop computer, model number 15-ay191ms**, bearing serial number CND64210CY, located within a locked file cabinet within the bedroom of **BAUTISTA**, wherein he observed the following images constituting child pornography.

a. File Name: pthc preteen 12yrdaughternaked08.jpg

One image of a prepubescent female, focused on her fully exposed and lasciviously displayed vagina, with what appears to be an adult male thumb and forefinger touching her vagina.

b. File Name: pthc preteen 11yr girl pussy shots04.jpg

One image focused on the fully exposed and lasciviously displayed vagina of a prepubescent child.

Your Affiant knows, file names associated with child pornography often provide descriptive details, including the age of the child victim, the relationship of the abuser to the victim, or type of images, such as "pthc," which means preteen hardcore. Forensic analysis of the laptop continues. Forensic analysis of all other digital devices is forthcoming.

8. During the execution of the search warrant, one loaded Taurus .380 caliber pistol, bearing serial number KEN53105, containing 13 rounds of ammunition in the pistol's magazine, was found between the bed mattresses in **BAUTISTA**'s bedroom.

9. Additionally, from within **BAUTISTA**'s master bedroom closet, special agents recovered one pair of little girl panties, described as white in color with black dots, size 6.

10. Based on the facts as stated in this document, there is probable cause to believe **David BAUTISTA** has committed the federal offenses of Distribution of Child Pornography, and Possession of Child Pornography, in violation of Title 18 U.S.C. §§ 2252A(a)(2) and 2252A(a)(5)(b).

11. I respectfully request that the Court issue a Criminal Complaint for **David BAUTISTA**.

Respectfully submitted,

JOEL F
JUVETTE

Digitally signed by JOEL
F JUVETTE
Date: 2022 02 25
08:49 26 -06'00'

Joel JuVette
Special Agent
Homeland Security Investigations

Subscribed and sworn telephonically on this 25th day of February 2022.


Honorable Elizabeth S. Chestney
United States Magistrate Judge